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Paper No. 13

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JUL 28 2004

DIRECTOR OFFICE
TECHNOLOGY CENTER 2600

In re Application of
Hsien-Ying Chou
Application No. 09/767,955
Filed: January 24, 2001
For: AUTO-IMPROVING DISPLAY FLICKER
METHOD

DECISION ON PETITION
TO WITHDRAW HOLDING OF
ABANDONMENT

This is a decision on the request filed March 15, 2004, pursuant to 37 C.F.R. 1.181 to withdraw the holding of abandonment of the above-identified application. No fee is required.

This application became abandoned due to failure to timely file the issue fee in response to the Notice of Allowance and Issue Fee Due mailed November 4, 2003. A Notice of Abandonment has not yet been mailed.

Petitioner asserts that the Notice of Allowance mailed November 4, 2003 was never received. In support therefore, A statement was made that a search of the contents of the file jacket and docket records reveal no evidence of receipt. It is not clear if this statement is the personal statement from the Practitioner of record or from the Applicants. Copies of the docket records have also been included to corroborate petitioner's claim.

A review of the file finds that the U.S. Postal Service returned the original Notice of Allowance and Issue Fee as undeliverable on November 26, 2003. Although, there was no finding of irregularity in the correspondence address, there was an obvious irregularity in mailing. The Patent and Trademark Office regrets any inconvenience to Petitioner.

Therefore, the holding of Abandonment withdrawn. Also, the Notice of Allowance and Issue Fee Due mailed November 4, 2003 (paper no. 11) is hereby vacated.

The petition is **GRANTED**.

Since it has been established that the Notice of Allowance was not received, it is presumed that Applicant also failed to receive the Notice of Allowability. The application will be forwarded to the Technology Center's technical support staff for mailing of a new Notice of Allowance and Issue Fee Due, as well as a copy of the Notice of Allowability and the examiner's reasons for allowance. The three (3) month non-extendable time period for paying the issue fee will be set to run from the mailing date of the Notices.



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